

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

LESLIE WILFORD PORTER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-16-393-D
	)	
FEDERAL BUREAU OF PRISONS, et al.,	)	
	)	
Defendants.	)	

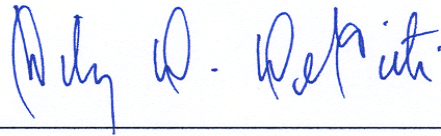
**ORDER**

Plaintiff brought this *Bivens* action for alleged violations of his Eighth Amendment rights. The matter was referred to United States Magistrate Judge Bernard Jones for initial proceedings in accordance with 28 U.S.C. § 636(b)(1)(B), (C). On September 20, 2016, Judge Jones filed his Report and Recommendation (“R&R”) [Doc. No. 14] in which he recommended that Plaintiff’s action be dismissed with prejudice for failure to state a claim upon which relief can be granted. *Id.* at 4. The Magistrate Judge also recommended that Plaintiff’s Motion to Appoint Counsel be denied as moot and the dismissal count as a strike pursuant to 28 U.S.C. § 1915(g). *Id.*

The R&R advised the parties of the right to file objections to same and directed the parties to file any objections no later than October 11, 2016. *Id.* It further admonished the parties that failure to timely object would constitute a waiver of the right to appellate review of the factual and legal issues addressed

therein. *Id.* The deadline for filing objections has expired and to date, neither party has filed objections or sought an extension of time in which to do so. Accordingly, the Report and Recommendation [Doc. No. 14] is **ADOPTED** as though fully set forth herein.

**IT IS SO ORDERED** this 9<sup>th</sup> day of November, 2016.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE